

AMERICAN	:	CIVIL ACTION
INFRASTRUCTURE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO. 08-2701
	:	
ZACHARY CONSTRUCTION	:	
CORP., et. al.,	:	
	:	
Defendants.	:	
	:	

**AND NOW**, this 28<sup>th</sup> day of December, 2010, upon consideration of Plaintiff's Motion for Summary Judgment, Defendants' Motion for Summary Judgment, the parties responses in opposition, after oral argument, and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED** that:

- It is **FURTHER ORDERED** that:

- Defendants’ “Motion to Preclude Evidence” (doc. no. 45) is **DENIED** as **MOOT**;
- and
- Defendants’ “Motion to Strike American Infrastructure’s Jury Demand” (doc. no. 46)

is **DENIED** as **MOOT**.

Therefore, judgment is entered in favor of Defendants and against Plaintiff. The Clerk of Court is directed to mark this matter closed.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

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**Mitchell S. Goldberg, J.**